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| EXAMINER |
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EVANS, KIMBERLY L

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| ART UNIT | PAPER NUMBER |
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3629

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02/22/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/708,962 | Applicant(s) ARMANO ET AL. | |
| | Examiner KIMBERLY EVANS | Art Unit 3629 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the request for continued examination received on January 29, 2010.
2. Claims 2-15, and 17-140 have been previously cancelled; Claim 1 has been amended.
3. Claims 1 and 16 are currently pending and have been examined.
4. Claims 1 and 16 have been rejected.

Continued Examination under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 13, 2009 has been entered.

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

- (a) Determining the scope and contents of the prior art.
- (b) Ascertaining the differences between the prior art and the claims at issue.
- (c) Resolving the level of ordinary skill in the pertinent art.
- (d) Considering objective evidence present in the application indicating obviousness or nonobviousness.

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8. Claim 1 is rejected under 35 USC 103(a) as being unpatentable over Trompenaars et. al., Culture for Business Series: Business Across Cultures, Capstone Publishing Ltd., 2/2/04, pp 30-32, 114, 144, 148, and 303-305, herein referred to as "Trompenaars" in view of Henry Stewart Publications 1469-7017 (2003) Vol., 3,4 361-375, Journal of Change Management, "A new framework for managing change across cultures", Fons Trompenaars, and Peter Woolliams, herein referred to as "Woolliams", in further view of Manley et al., "Understanding Organizational Culture and Its Role in Organization Transformation and Development, "Proceedings of the 1998 International Conference on Engineering and Technology Management, Oct., 11-13, 1998, herein referred to as "Manley".
9. With respect to Claim 1,
Trompenaars discloses the following limitations,
 - *a. computer readable program code eliciting at least one of: intent and goals from each of said participating entity or entities in said synchronization;* (see at least pg. 30: "...seven dimensional model is a means to elicit, describe, and frame the major dilemmas organizations must resolve..."; page 303: "...The dilemmas organized per business function are shown here:...In many cases we triangulate the use of web-based data collection.....we can now consider those generic dilemmas which we find leaders face on a regular basis..."; page 304: "...the second

dilemma above, cost versus investment, and how we can help leaders or senior managers from this organization to reconcile that particular dilemma. We follow a series of methodological steps in achieving this that make use of worksheet tools and grids...)

- *d. computer readable program code reconciling said pairs of alternatives statements;* (page 32: "...By reconciling the delimmias deriving from the differences on the orientations, organizations can begin to reconcile their cultural orientations..."; page 303: "...The dilemmas organized per business function are shown here:...in many cases we triangulate the use of web-based data collection....we can now consider those generic dilemmas which we find leaders face on a regular basis...")
- *e. computer readable program code establishing a charter of practices by integrating a set of said reconciled pairs of alternatives statements;* (see at least page 144: "...we discussed the main tensions between both organizations.....our dilemma reconciliation methodology resulting in the following set of integrated values...")
- *f. computer readable program code synchronizing at least one of said business practices and culture of said participating entity or entities in view of said practices charter* (see at least page 144: "...we then worked with teams of senior participants to frame these tensions as a series of principal dilemmas...our next step in supporting this client was to conceptualize a renewed mission statement and set of core values...")

- *(5) other applicable considerations that specify additional information that could be important in translating the details of the outcome narrative to other issues that have similar characteristics.*(see at least page 114, Figure 4.2: Flow of cultural change process; Table page 303)
- *wherein said practices charter reflects strategic, operational and tactical alternatives of how said entity or entities are to be operated and how work is to be performed within said entity or entities, (see at least page 32: “...when faced with cultural differences, one effective approach is to compare the two profiles based on the linear seven dimensions model to identify where the major differences originate...by reconciling the dilemmas deriving from the differences on the orientations, organizations can begin to reconcile their cultural orientations...”)*

Trompenaars discloses all of the above limitations, Trompenaars does not distinctly disclose the following limitations, however Woolliams as shown discloses,

- *b. computer readable program code developing detailed alternatives statements in support of said elicited intent and goals;*(see at least Table 3, page 369-371)
- *c. computer readable program code selecting from said alternatives statements, pairs of alternatives statements that are in tension with each other; (see at least Table 3, and page 364: “...using web-based “interview”*

techniques (WebCue), the authors have also invited members of a large number of client organizations to elicit and delineate their dilemmas...”; page 368: “...authors collected and analysed some 4,000 examples of such critical incidents. The principal findings are summarized in Table 3 in terms of the frequently repeating dilemmas for differing scenarios...”)

- *said right-versus-right spectrums are evaluated for reasonableness by verifying that, for each of said right-versus-right spectrums, one or more members of said participating entity or entities agrees that said right-versus-right spectrum is important said alternatives statement pairs are drafted as plausible (see at least page 375: “...Once the leader or groups of relevant leaders are in agreement on the dilemmas that need to be reconciled, the action points to be taken evolve naturally...”)* , *contrasting ends of said right-versus-right spectrum; said contrasting ends not required to be equally plausible;(see at least Table 4, page 372: “...by asking leaders of organizations to phrase the major tensions they feel as ‘on the one hand...on the other, the authors linguistically programme them to see both sides of the equation...”)*
- *and a conveyance of said reconciled pairs of alternatives statements to realistic work conditions is made such that it is clear to people*

performing the work, how work is to be conducted, (see at least Table 5, page 374: “Guidance template for action to be taken”)

- *said reconciled pairs of alternatives statements are applied to realistic work conditions to produce a series of outcome narratives each of which comprises:*
 - *(1) either of: a situation or dilemma statement; (2) a desired outcome in which answers are given to a list of questions about actions to be taken, roles of decision makers, and behaviors associated with those who need to take action (pages 368-371, Table 3, Repeating dilemmas found for the different scenarios, and Table 4, Basic pro-forma framework, page 373: “...a number of pro-formas are used to elicit the basic description of their current and ideal organizational culture profiles, components they want to retain and discard...the various lists comprise those that are most curcial to reconcile in view of the envisioned future...”)*
 - *(3) a list of in-scope roles, an in-scope role being performed by one or more individuals involved in an action according to said desired outcome; (4) role behaviors and actions associated with in-scope roles, wherein role behaviors and actions specify the*

desired way the desired outcome is to be accomplished; and
(see at least Table 5, "Guidance template for action to be taken")

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cross-cultural perspective on how companies meet the diverse needs of customers, investors and employees of Trompenaars and the methodology on diagnosing the tensions between current and ideal corporate culture of Woolliams because it provides an efficient means for the management of change by providing a conceptual framework for reconciliation of dilemmas to achieve a 'win-win' outcomes for a new corporate culture.

Trompenaars and Woolliams disclose all of the above limitations, the combination of Trompenaars and Woolliams does not distinctly disclose the following limitations, but Manley however as shown discloses,

- *said pairs of alternatives statements reflecting an unevenly weighted right-versus-right spectrums in which said pairs of alternatives statements are displayed as end points on said right-versus-right spectrum consisting of at least five check boxes, the check boxes adjacent to the end point alternatives statements being labeled 100% and the middle check box being labeled 50/50, and with the remaining boxes corresponding to unevenly weighted answers between 100% and 50/50, (see at least Figure 3, page 346, column 2: "... The Organization Culture*

Characterization Profiles for the two organizations are presented in Figure 3"...Examination of the competing values scores and profiles draws immediate attention to two seemingly major differences...")

Trompenaars, Woolliams and Manley disclose all of the above limitations, Trompenaars further discloses,

- *said right-versus-right spectrum defining conflicting and overlapping alternatives, and incorporating attributes and behaviors, principles and values, and business practice drivers comprising mindsets, expectations and work style, (see at least page 32: "...when faced with cultural differences, one effective approach is to compare the two profiles based on the linear seven dimensions model to identify where the major differences originate...by reconciling the dilemmas deriving from the differences on the orientations, organizations can begin to reconcile their cultural orientations...)*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cross-cultural perspective on how companies meet the diverse needs of customers, investors and employees of Trompenaars with the methodology on diagnosing the tensions between current and ideal corporate culture of Woolliams and the characterization of organizational cultures of Manley because it provides an efficient means for representing and analyzing culture differences. Furthermore, it is old and well known in the art of graphical representation to construct Venn diagrams comprising

overlapping circles to show all hypothetically possible logical relations between a finite collection of sets to illustrate simple relationships in probability, logic, and statistics whereby the interior of the circle representing elements of the set while the exterior represents elements which are not members of the set.

10. Claim 16 is rejected under 35 USC 103(a) as being unpatentable over Trompenaars et. al., in view of "Woolliams" in further view of Vilalti et al., US Patent No US 6,842,751 B1, herein referred to as "Vilalti".
11. With respect to Claim 16,
Trompenaars and Woolliams disclose all of the above limitations,
Trompenaars further discloses,
 - *a. computer readable program code listing issues that might arise within the regular work of said entity or entities, an issue being a work requirement, occurrence, or choice that requires action by one or more people and that could be disputed by those required to take action or responsible for an outcome, and for which one or more reconciled statements will apply; (see at least table on page 144: "...Through looking at the tensions developed through the core values of both organizations we had captured at least five of the key strategic dilemmas the organization as a whole was facing...")*

Trompenaars and Woolliams disclose all of the above limitations, Woolliams further discloses,

- *c. computer readable program code writing a statement to represent each classified situation and dilemma, each statement being a brief, realistic, fictional narrative instantiation with adequate detail for decision, adequacy being determined by comparison to a given set of standard examples.(see at least Table 3, Repeating dilemmas found for the different scenarios...")*

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cross-cultural perspective on how companies meet the diverse needs of customers, investors and employees of Trompenaars and the methodology on diagnosing the tensions between current and ideal corporate culture of Woolliams because it provides an efficient means for identifying and reconciliation of dilemmas.

Trompenaars and Woolliams disclose all of the above limitations, the combination of Trompenaars and Woolliams does not distinctly disclose the following limitations, but Vilalta et al., however as shown discloses,

- *b. computer readable program code classifying issues as situations and dilemmas, a situation being an issue with a relatively small number of roles or a generally agreed upon preferable outcome and a dilemma*

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being an issue with a relatively large number of roles or general disagreement on preferable outcome; and (see at least Figure 8, column 9, lines 15-31: "...a flow chart describing the selection process 800..."; the meta-rules are applied to the meta-feature description of the domain to determine if any meta-rules are satisfied, thereby indicating one or more potential models to utilize to classify the domain. A conflict-resolution strategy may take place if several rules fire at the same time...").

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the cross-cultural perspective on how companies meet the diverse needs of customers, investors and employees of Trompenaars and the methodology on diagnosing the tensions between current and ideal corporate culture of Woolliams with the data classification method and apparatus of Vilalta because it provides an efficient model selection technique for labeling and characterizing objects via its data classification system.

Conclusion

12. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Kimberly L. Evans** whose telephone

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number is **571.270.3929**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **John Weiss** can be reached at **571.272.6812**.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free). Any response to this action should be mailed to: **Commissioner of Patents and Trademarks**, P.O. Box 1450, Alexandria, VA 22313-1450 or faxed to **571-273-8300**. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**: Randolph Building 401 Dulany Street, Alexandria, VA 22314.

/KIMBERLY EVANS/

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/JOHN G. WEISS/

Supervisory Patent Examiner, Art Unit 3629